



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF
ENVIRONMENTAL PROTECTION



PAUL MERCER
COMMISSIONER

July 14, 2017

Richard Knowlton
Maine Water Company
93 Industrial Park Road
Saco Maine, ME 04856
rknowlton@mainewater.com

RE: Integrated Compliance Information System (ICIS) # MEU508267
Maine Waste Discharge License (WDL) Application # W008267-5S-A-N
Corrected Order - Final License

Dear Mr. Knowlton:

Enclosed please find a copy of a **corrected final** Maine WDL which was approved by the Department of Environmental Protection. Please read this license and its attached conditions carefully. Compliance with this license will protect water quality.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled "*Appealing a Commissioner's Licensing Decision.*"

If you have any questions regarding the matter, please feel free to call me at 287-7693. Your Department compliance inspector copied below is also a resource that can assist you with compliance. Please do not hesitate to contact them with any questions.

Thank you for your efforts to protect and improve the waters of the great state of Maine!

Sincerely,

Gregg Wood
Division of Water Quality Management
Bureau of Water Quality

Enc.

cc: James Crowley, DEP/CMRO Lori Mitchell, DEP/CMRO
Sandy Mojica, USEPA Olga Vergara, EPA Marelyn Vega, USEPA

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

CONCLUSIONS

Based on the findings summarized in the attached and incorporated Fact Sheet dated June 26, 2017, and subject to the special and standard conditions that follow, the Department makes the following CONCLUSIONS:

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1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, *Classification of Maine waters*, 38 M.R.S. § 464(4)(F), will be met, in that:
 - (a) Existing water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
 - (c) The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and
 - (e) Where a discharge will result in lowering the existing quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharges will be subject to effluent limitations that require application of best practicable treatment as defined in *Conditions of licenses*, 38 M.R.S. § 414-A(1)(D).

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ACTION

THEREFORE, the Department APPROVES the above noted application of MAINE WATER COMPANY, to operate a surface wastewater disposal (spray irrigation) on a seasonal basis (May 1 – November 30) associated with drinking water filter backwash wastewater from a drinking water treatment plant located in Rockport, Maine, and with a maximum flow rate of 1,000,000 gallons/week to the soil above ground water resources of the state, Class GW-A, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations including:

1. *Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable to All Permits*, revised July 1, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This license and the authorization to discharge become effective upon the date of signature below and expire at midnight five (5) years from the effective date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this license, the authorization to discharge and the terms and conditions of this license and all modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (amended October 19, 2015)]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS 14th DAY OF July 2017.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Keenan
for PAUL MERCER, Commissioner

| |
|---|
| Filed |
| JUL 14 2017 |
| State of Maine Board of Environmental Protection |

Date filed with Board of Environmental Protection _____

Date of initial receipt of application: March 14, 2017
Date of application acceptance: March 17, 2017

This Order prepared by Aaron Dumont, BUREAU OF WATER QUALITY

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Beginning the effective date of this license, the licensee is authorized to operate a surface waste water treatment and disposal system. The **SPRAY IRRIGATION WETWELL EFFLUENT⁽¹⁾ (OUTFALL #001)** must be limited and monitored as specified below:

| Parameter | Daily <u>Maximum</u> as specified | Measurement <u>Frequency</u> as specified | Sample <u>Type</u> as specified |
|--|--|--|--|
| Total Suspended Solids <i>[00530]</i> | Report (mg/L) <i>[19]</i> | 1/Month <i>[01/30]</i> | Grab <i>[GR]</i> |
| pH (Standard Units) <i>[00400]</i> | 6 – 9 S.U. ⁽⁵⁾ <i>[12]</i> | 1/Month <i>[01/30]</i> | Grab <i>[GR]</i> |

The bracketed italicized numeric values in the table above and the tables that follow are code numbers that the Department personnel utilize to code the monthly Discharge Monitoring Reports.

FOOTNOTES: See Page 6 of this license for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

2. The **SPRAY IRRIGATION FIELD (SF#1)** must be limited and monitored as specified below⁽¹⁾:

(May 1st – November 30th)

| Parameter | Monthly <u>Total</u> as specified | <u>Weekly Maximum</u> as specified | Daily <u>Maximum</u> as specified | Measurement <u>Frequency</u> as specified | Sample <u>Type</u> |
|---|--|---|--|--|-------------------------------|
| Application Rate <i>[51125]</i> | --- | 1,000,000 gal/week ⁽²⁾⁽³⁾ <i>[8G]</i> | --- | 1/Week <i>[01/07]</i> | Calculate <i>[CA]</i> |
| Flow -- Total Gallons <i>[51500]</i> | Report (Gallons) <i>[80]</i> | --- | --- | 1/Month <i>[01/30]</i> | Calculate <i>[CA]</i> |

The bracketed italicized numeric values in the table above and the tables that follow are code numbers that the Department personnel utilize to code the monthly Discharge Monitoring Reports.

Footnotes: Refer to page 6 for footnotes.

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

FOOTNOTES: Special Condition A(1) & A(2)

1. **Sampling** – Any change in sampling location must be approved by the Department in writing. The licensee must conduct sampling and analysis in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis must be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services for wastewater. Samples that are sent to a POTW pursuant to *Waste discharge licenses*, 38 M.R.S. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (effective April 1, 2010). Laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of 10 – 144 CMR 263. If the licensee monitors any pollutant more frequently than required by the license using test procedures approved under 40 CFR Part 136 or as specified in this license, the results of this monitoring must be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR).
2. **Weekly** – Weekly is defined as Sunday through Saturday.
3. **Spray Irrigation Field** – The limitation of 1,000,000 gallons/week applies to the entire spray field. For DMR reporting purposes, the licensee must report the highest weekly application rate for the month in the applicable box on the form. Compliance with weekly reporting requirements must be reported for the month in which the calendar week ends.
4. **Weekly Maximum for Spray Irrigation** – The licensee must measure the flow of wastewater to the irrigation area by the use of a flow measuring device that is checked for calibration at least once per calendar year. For DMR reporting purposes, the licensee must report the highest weekly application rate for the month in the applicable box on the form. Compliance with weekly reporting requirements must be reported for the month in which the calendar week ends.
5. **pH Range Limitation** – The pH value of the effluent must not be lower than 6.0 SU nor higher than 9.0 SU at any time unless these limitations are exceeded due to natural causes. The permittee must provide verbal notification of any exceedance within 24 hours from the time the permittee becomes aware of the circumstances and must submit a written explanation of the exceedance within 5 days of the time the permittee becomes aware of the circumstances.

SPECIAL CONDITIONS

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent must not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the use designated by the classification of the groundwater.
2. The effluent must not lower the quality of any classified body of groundwater below such classification, (ground water is a classified body of water under 38 M.R.S. § 465-C) or lower the existing quality of any body of water if the existing quality is higher than the classification.

C. TREATMENT PLANT OPERATOR

The person who has the management responsibility over the treatment facility must hold a **Maine Grade Spray Irrigation Treatment System (SITS-II)** certificate or higher (or Registered Maine Professional Engineer) pursuant to *Sewage Treatment Operator* 32 M.R.S. §4171- 4182 *et seq.* and *Regulations for Wastewater Operator Certification*, 06-096 CMR 531 (effective May 8, 2006). All proposed contracts for facility operation by any person must be approved by the Department before the licensee may engage the services of the contract operator.

D. NOTIFICATION REQUIREMENT

In accordance with Standard Condition D, the licensee must notify the Department of the following:

1. Any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants to the system at the time of license issuance.
2. For the purposes of this section, notice regarding substantial change must include information on:
 - a. the quality and quantity of wastewater introduced to the wastewater collection and treatment system; and
 - b. any anticipated impact caused by the change in the quantity or quality of the wastewater to be discharged from the treatment system.

E. AUTHORIZED DISCHARGES

The licensee is authorized to discharge only in accordance with: 1) the licensee's General Application for Waste Discharge License, accepted for processing on March 17, 2017; 2) the terms and conditions of this license; and 3) only to the existing spray-irrigation field (Field #1) and from those sources as indicated in the March 14, 2017, Waste Discharge License Application. Discharges of wastewater from any other point source(s) are not authorized under this license, and must be reported in accordance with Standard Condition D(1)(F), *Twenty-four hour reporting*, of this license.

SPECIAL CONDITIONS

F. GENERAL OPERATIONAL CONSTRAINTS

1. All wastewater must receive treatment through a properly designed, operated and maintained treatment system prior to disposal.
2. The surface wastewater disposal facilities must be effectively maintained and operated at all times so that there is no discharge to surface waters, nor cause or contribute to contamination of ground water which will render it unsatisfactory for usage as a public drinking water supply.
3. The Department must be notified as soon as the licensee becomes aware of any threat to public health, unlicensed discharge of waste water, or any malfunction that threatens the proper operation of the system. Notification must be made in accordance with the attached Standard Condition #4 of this license.
4. The licensee must maintain a file on the location of all system components and relevant features. System components including collection pipes, tanks, manholes, pumps, pumping stations, and spray disposal fields, in all logs and reports. Each component must be mapped and field located sufficiently to allow adequate inspections and monitoring by both the licensee and the Department.

G. SPRAY-IRRIGATION OPERATIONAL CONSTRAINTS

1. Wastewater may not be applied to areas without sufficient vegetation or ground cover as to prevent erosion or surface water runoff within or outside the designated boundaries of the spray fields. There must be no significant runoff within or out of the spray irrigation area due to the spray irrigation events.
2. No wastewater may be applied to the site following a rainfall accumulation exceeding 1.0 inch within the previous 8-hour period. **A rain gauge shall be located on site to monitor daily precipitation.** The licensee must also manage application rates by taking into consideration the forecast for rain events in the 48-hour period in the future.
3. No wastewater may be applied where there is snow present on the surface of the ground.
4. No wastewater must be applied when there is any evidence of frost or frozen ground within the upper 10 inches of the soil profile.
5. No traffic or equipment may be allowed in the spray-irrigation field except where installation occurs or where normal operations and maintenance are performed.
6. **Prior to the commencement of spray irrigation for the season,** the licensee must notify the Department's compliance inspector that they have verified that site conditions are appropriate (frozen ground, soil moisture, etc.) for spray irrigation.

SPECIAL CONDITIONS

G. SPRAY-IRRIGATION OPERATIONAL CONSTRAINTS

7. The licensee must at all times maintain in good working order and operate at maximum efficiency all wastewater collection, treatment and/or control facilities. Should significant malfunctions or leaks be detected, the licensee must shut down the malfunctioning portion of the spray system and make necessary repairs before resuming operation. The licensee must cease irrigation if runoff is observed outside the designated boundaries of the spray field.
8. **The licensee must maintain a daily log of all spray irrigation operations** which records the date, weather, rainfall, areas irrigated, volume sprayed (gallons), application rates (daily and weekly), and other relevant observations/comments from daily inspections. The log must be in accordance with the general format of the "*Monthly Operations Log*" provided as **Attachment A** of this license, or other similar format approved by the Department. Weekly application rates must be reported in accordance with the general format of the "*Spray Application Report by Week*" provided as **Attachment B** of this license or other format as approved by the Department. The *Monthly Operations Log, and Spray Application Report by Week*, for each month must be submitted to the Department as an attachment to the monthly Discharge Monitoring Reports (DMRs) in a format approved by the Department. Copies must be maintained on site for operation maintenance purposes and made available to Department personnel upon request during normal business hours.

H. VEGETATION MANAGEMENT

1. The licensee must remove grasses and other vegetation such as shrubs and trees if necessary so as not to impair the operation of the spray-irrigation system, ensure uniform distribution of waste water over the desired application area and to optimize nutrient uptake and removal.
2. The vegetative buffer zones along the perimeter of the site must be maintained to maximize vegetation and forest canopy density in order to minimize off-site drift of spray.

I. LAGOON MAINTENANCE

1. The integrity of the lagoons must be inspected periodically during the operating season and properly maintained at all times. There must be no overflow through or over the lagoon berms. Any signs of leaks or overflow must be repaired or corrected immediately.
2. The licensee must maintain freeboard of the lagoons at design levels or at least one (1) foot, whichever is greater. The lagoons must be operated in such a way as to balance the disposal of waste water via spray irrigation and to ensure that design freeboard levels are maintained.
3. The lagoons must be cleaned of solid materials as necessary to maintain the proper operating depths that will provide best practicable treatment of the wastewater. All material removed from the lagoons shall be properly disposed of in accordance with all applicable State and Federal rules and regulations.

SPECIAL CONDITIONS

J. OPERATIONS AND MAINTENANCE (O & M) PLAN AND SITE PLAN(S)

The licensee must have a current written comprehensive Operation & Maintenance (O&M) Plan. The plan must provide a systematic approach by which the licensee must at all times, properly operate and maintain all facilities and the systems of treatment and control (and related appurtenances) which are installed or used by the licensee to achieve compliance with the conditions of this license. Of particular importance is the management of the spray application sites such that the sites are given ample periods of rest to prevent over application events.

By December 31 of each year, or within 90 days of any process changes or minor equipment upgrades, the licensee must evaluate and modify the O&M Plan including site plan(s) and schematic(s) for the wastewater treatment facility to ensure that it is up-to-date. The O&M Plan must be kept onsite at all times and made available to the Department personnel upon request.

Within 90 days of completion of new and substantial upgrades of the wastewater treatment facility, the licensee must submit the updated O&M Plan to their Department inspector for review and comment.

K. MONITORING AND REPORTING

Electronic Reporting

NPDES Electronic Reporting, 40 C.F.R. 127, requires MEPDES permit holders to submit monitoring results obtained during the previous month on an electronic discharge monitoring report to the regulatory agency utilizing the USEPA electronic system.

Electronic Discharge Monitoring Reports (DMRs) submitted using the USEPA NetDMR system, must be:

1. Submitted by a facility authorized signatory; and
2. Submitted no later than **midnight on the 15th day of the month** following the completed reporting period.

Documentation submitted in support of the electronic DMR may be attached to the electronic DMR. Toxics reporting must be done using the DEP toxsheet reporting form. An electronic copy of the Toxsheet reporting document must be submitted to your Department compliance inspector as an attachment to an email. In addition, a hardcopy form of this sheet must be signed and submitted to your compliance inspector, or a copy attached to your NetDMR submittal will suffice.

Documentation submitted electronically to the Department in support of the electronic DMR must be submitted no later than midnight on the 15th day of the month following the completed reporting period.

SPECIAL CONDITIONS

K. MONITORING AND REPORTING (cont'd)

Toxsheet reporting forms must be submitted electronically as an attachment to an email sent to your Department compliance inspector. In addition, a signed hardcopy of your toxsheet must also be submitted.

A signed copy of the DMR and all other reports required herein must be submitted to the Department assigned compliance inspector (unless otherwise specified) following address:

Department of Environmental Protection
Northern Maine Regional Office
Bureau of Water Quality
Division of Water Quality Management
17 State House Station
Augusta, Maine 04333

L. REOPENING OF LICENSE FOR MODIFICATION

In accordance with 38 M.R.S. § 414-A(5) and upon evaluation of the tests results or monitoring requirements specified in Special Conditions of this licensing action, new site specific information, or any other pertinent test results or information obtained during the term of this license, the Department may, at any time and with notice to the licensee, modify this license to: 1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded, (2) require additional monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

M. SEVERABILITY

In the event that any provision(s), or part thereof, of this license is declared to be unlawful by a reviewing court, the remainder of the license must remain in full force and effect, and must be construed and enforced in all aspects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court.

Attachment A

Monthly Operations Log

Maine Water Company (WDL #W008267)

(Month/Year) _____

Spray Field # _____

Weekly Application Rate: _____ gallons/week

| A | B | C | D | E | F | G |
|------|---|------------------|---------|--------------------------------------|--|-----------------------------------|
| Date | Precipitation Previous 24 hours (inches) | Air Temp (°F) | Weather | Wind- Direction Speed (mph) | Depth To GW in Observation well (inches) | Total Gallons Pumped (gallons) |
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Signature of Responsible Official: _____ Date _____

Attachment B

Spray Application Report by Week

Maine Water Company (WDL #W008267) (Month/Year) _____

| Spray Field # | Weekly Limit (Gallons/Week) | Spray Application Rates (Gallons/Week) | | | | | Monthly Total |
|---------------|-----------------------------|--|--------|--------|--------|--------|---------------|
| | | Week 1 | Week 2 | Week 3 | Week 4 | Week 5 | |
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Signature of Responsible Official: _____ Date _____

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

DATE: **June 26, 2017**
COMPLIANCE TRACKING NUMBER: **MEU508267**
WASTE DISCHARGE LICENSE: **W008267-5S-A-N**

NAME AND ADDRESS OF APPLICANT:

**MAINE WATER COMPANY
855 ROCKLAND STREET
ROCKPORT, ME. 04856**

COUNTY: **KNOX COUNTY**

NAME AND ADDRESS WHERE DISCHARGE(S) OCCUR(S):

**MAINE WATER COMPANY
855 ROCKLAND STREET
ROCKPORT, ME. 04856**

RECEIVING WATER CLASSIFICATION: **Groundwater/Class GW-A**

COGNIZANT OFFICIAL CONTACT INFORMATION:

**MR. RICHARD KNOWLTON
(800)-287-1643
rknowlton@mainewater.com**

1. APPLICATION SUMMARY

On March 14, 2017, the licensee submitted an application to the Department of Environmental Protection (Department) for a new Waste Discharge License (WDL) to dispose of 1,000,000 gallons/week of drinking water filter cleaning (backwash) wastewater for treatment and seasonal (May 1 – November 30, weather permitting) disposal to Groundwater/Class GW-A on a 5.3 acre spray field owned and operated by the Maine Water Company in Rockport, Maine.

2. LICENSE SUMMARY

a. Terms and Conditions: This licensing action is carrying forward all the terms and conditions of the previous licensing action and subsequent minor revisions except that this licensing action is:

- 1) A maximum flow rate of 1,000,000 gallons/week based on the hydraulic capacity of spray field in-situ soils;

2. LICENSE SUMMARY (cont'd)

- 2) A pH range limitation of 6.0 – 9.0 standard units prior to discharge to the wastewater disposal system;
 - 3) A monitoring and reporting requirement for TSS to determine if numeric limits based on best practicable treatment are necessary; and
 - 4) A requirement to develop and maintain an up-to-date Operations and Maintenance (O&M) plan for treatment, conveyance, and surface wastewater disposal systems.
- b. History: This section provides a summary of significant licensing actions and milestones that have been completed for the licensee.

March 14, 2017 – The licensee submitted a timely and complete General Application to the Department for the discharge of drinking water filter backwash to a 5.3 acre spray irrigation field. The application was accepted for processing on March 17, 2017, and was assigned (WDL) W009161-5S-A-N.

- c. Source Description: The Maine Water Company facility located in Rockport produces potable drinking water for the Camden, Rockport, Rockland, and Thomaston service area. This facility was designed to treat up to 6 million gallons per day (MGD) and was upgraded in 2010 to include a membrane filtration process. The facility filters water from Mirror Lake prior to chemical additions for disinfection, fluoridation, and corrosion control. The average daily facility finished water production averages 3 MGD with a peak production of 4 MGD.

Currently Maine Water Company recycles the filter backwash water year round. The filter backwash is stored on-site in lined lagoons to remove the solid particulates. The water from the lagoons is recycled at a rate of up to 2% (typically) of raw water flow by blending the recycle flow stream at the treatment facility with the incoming raw water pumped from Mirror Lake. The facility generates an average volume of 70,000 gallons per day of filter backwash.

- d. Wastewater Treatment: – Maine Water Company's Rockport treatment facility generates filter backwash after routine chemical cleanings. The primary method of treatment for filter backwash wastewater is to recycle the filter backwash wastewater back into the process. This means that wastewater is slowly metered back into the facility and blended in with raw intake water from Mirror Lake.

The daily filter membrane cleaning process takes place while the filter is offline. The process uses a prepared cleaning solution of sodium hypochlorite. The solution is batch mixed to the required concentration and then cycled through the filter membrane. Once cleaning process is complete the chemical solution is directed to a polyethylene neutralization tank where sodium hypochlorite is neutralized with sodium bisulfite. The neutralized filter backwash flows by gravity to a 26,000 CIP waste tank below the filter room floor. The daily cleaning process generates on average 6,300 gallons per day (GPD).

2. LICENSE SUMMARY (cont'd)

Once per month the filter membranes are cleaned with separate solutions of caustics and acids that are batched to predetermined concentrations. Following the cleaning process, both the caustic and acid solutions are treated and the pH neutralized. Much like the daily cleaning process, the neutralized water flows to the CIP tank and then to one of two HDPE lined lagoons. A dose of Polyaluminum Chloride coagulant is added to the wastewater as it enters the lagoons. The lagoons are designed allow enough retention time to allow any particulate matter to settle. The lagoons are also designed with an underdrain sand filter.

At this point in the wastewater treatment process the wastewater in the lagoons is known as recycle flow stream. The recycle flow stream is collected from one of two points; either it flows through a weir system on the opposite end of the inlet, or it passes through the sand filter in the bottom of the lagoons. In both cases the recycle flow stream is blended with raw water from Mirror Lake and run through facility again.

- e. Land treatment – Maine Water Company incorporates the recycle flow stream at a rate of up to 5% of total raw water flow into the facility. The recycle flow stream is blended with incoming raw water from Mirror Lake. Maine Water Company is proposing to construct a 5.3 acre spray field on land area that is mixed wood with undergrowth vegetation and spray-irrigate the wastewater in the lagoons on a seasonal basis. The spray field will consist of five lines constructed of 2 inch HDPE lines (**Attachment A**). The lines will range in length from 230 feet to 765 feet in length. In all there will be a total of 22 spray heads that have a maximum discharge rate of 160 gallons per minute (GPM). Albert Frick & Associates, Inc. reviewed the spray field nozzle layout and nozzle locations were adjusted to avoid locations of bedrock and shallow soil.

The 5.3 acre spray field consists of three major soil types; Lyman, Turnbridge, and Dixfield. The Lyman, Turnbridge, and Dixfield soils exhibit moderately to well drained conditions. The permeability for these soils above bedrock ranges from 0.6 inches/hour to 6.0 inches/hour.

3. CONDITIONS OF LICENSE

Conditions of licenses, 38 M.R.S. § 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment (BPT), be consistent with applicable state law, and ensure that the receiving waters attain the State water quality standards as described in Maine's Water Classification System.

4. RECEIVING WATER QUALITY STANDARDS

Classification of Ground Waters, 38 M.R.S. § 470 classifies the groundwater at the point of discharge as Class GW-A receiving waters. *Standards of Classification of Ground Water*, 38 M.R.S., Section 465-C(1), describes the standards for waters classified as Class GW-A as the highest classification of groundwater and must be of such quality that it can be used for public water supplies. These waters must be free of radioactive matter or any matter that imparts color, turbidity, or odor which would impair use of these waters, other than that occurring from natural phenomena.

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5. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall #001 – Sampling shall be conducted after the last treatment process in the proposed spray irrigation wetwell such that all samples are representative of the waste water being conveyed to the spray irrigation system. Sampling and analysis are only required from May 1st – November 30th of each year.

- a. Flow – This licensing action establishes a weekly maximum flow limitation of 1,000,000 gallons/week along with a 1/Week monitoring requirement. The disposal rate of 1,000,000 gallons/week is consistent with the in-situ soils of the disposal fields.
- b. Total Suspended Solids – The Department has established a report only requirement at this time for TSS, while reserving the possibility to establish a numeric limit in the future based on BPT technology or other relevant factors.
- c. pH – The pH range limitation of 6.0 – 9.0 standard units is a Department best practicable treatment (BPT) limitation common to all licenses issued by the Department and is based on a National Secondary Drinking Water Standard.

6. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As licensed, the Department has determined the existing water uses will be maintained and protected and the discharge will not cause or contribute to the failure of the water body to meet standards for Class GW-A classification.

7. SYSTEM CALIBRATION

Discharge rates, application rates and uniformity of application change over time as equipment gets older and components wear, or if the system is operated differently from the assumed design. Operating below design pressure greatly reduces the coverage diameter and application uniformity (resulting in increased ponding). For these reasons, the licensee should field calibrate their equipment on a regular basis to ensure proper application and uniformity, and when operating conditions are changed from the assumed design.

8. PUBLIC COMMENTS

Public notice of this application was made in the *Village Soup* on or about February 23, 2017. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft licenses must have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR 522 (effective January 12, 2011).

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9. DEPARTMENT CONTACTS

Additional information concerning this licensing action may be obtained from, and written comments sent to:

Aaron Dumont
Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 592-7161
e-mail: Aaron.A.Dumont@maine.gov

10. RESPONSE TO COMMENTS

During the period of May 12, 2017, through the effective date of this final agency action, the Department solicited comments on the draft MEPDES permit. The Department received several substantive comments on the draft permit from Steve Cox, Director of Engineering & Technical Services for Maine Water Company. It is noted that minor typographical and grammatical errors identified in comments were not summarized in this section, but were corrected, where necessary, in the final permit.

Comment #1: The licensee noted that they were unsure as to where the 650,000 gallons per week, was derived from, and formally requested a maximum of 1,000,000 gallons per week.

Response #1: The Department has revised the final permit so that it contains the appropriate 1,000,000 gallons per week maximum application rate. The previous limit was derived by taking the information from Exhibit #4 and adding 100,000 gallons to that calculation as a margin of error.

Comment #2: The licensee noted that the natural pH of Mirror Lake ranges from 5.9 to 6.4 seasonally, and requested a lower pH limit, or a pH range limitation centered more on natural conditions. A lower limit of 5 would acknowledge natural pH levels in the raw water.

Response #2: The Department has revised the final permit so that it contains language and a process for notification if the effluent falls below pH 6.0. If there is a deviation of a couple tenths below pH 6.0 due to natural causes standard procedure is that the licensee must contact the Department.

Comment #3: The licensee noted the term “pretreatment” suggests more than dechlorination and solids settlement. The intent of this discharge is to land apply water that we are currently recycling to the head of the drinking water facility. “Treatment” will involve dechlorination, solids settlement and pH adjustment if necessary. These processes will be detailed in the O&M.

Response #3: The Department has revised the final permit and changed pretreatment to treatment.

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10. RESPONSE TO COMMENTS

Comment #4: The licensee noted that the license should read 650,000 gallons per week within the table.

Response #4: The Department acknowledges this administrative error, and has revised the final permit so the table contains a weekly maximum of 1,000,000 gallons per week, as formally requested in comments from Maine Water Company dated June 7, 2017.

Comment #6: The licensee noted there are there are numbers 1 through 6 and 8, but no number 7.

Response #6: The Department has revised the final permit so the items in the license are numbered accordingly.

Comment #7: During the draft comment period, the licensee noted there are no toxic reporting requirements, so can reference to toxicity reporting be removed?

Response #7: The language contained in license Section K is boiler plate language that is contained in all licensees and permit holders.

Comment #8: The licensee noted the wording on pages 10 and 11 appears to be in conflict since on page 10 it says a copy attached to the NetDMR will suffice whereas Page 11 says the signed hardcopy must be submitted.

Response #8: The language contained in license Special Condition K is boiler plate language that is contained in all licenses and permits.

Comment #9: The licensee noted the License Summary of fact sheet makes reference to sodium bisulfate and should read sodium bisulfite.

Response #9: The language in this section has been corrected to reflect the proper chemical.

Comment #10: The licensee noted Page 4 of 5/Proposed Fact Sheet/5: Effluent Limitations and Monitoring Requirements: "Sampling and analysis are only required from May 15th – November 30th of each year." Should this coincide with the license limitations of May 15th – November 15th, or is this simply reference the entire month in which the reporting is completed, and if that is the case should it be May 1st-November 30th. Extending to November 30th would allow us to take advantage of an abnormally warm fall.

Response #10: The dates have been changed to be consistent with the license comment. The license now contains an operational timeframe for the spray fields of May 1st-November 30th.

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10. RESPONSE TO COMMENTS (cont'd)

Comment #11: The licensee noted Page 4 of 5/Proposed Fact Sheet/7. System Calibration: "Calibration involves collecting and measuring flow at several locations in the application area (typically a grid pattern of containers with uniform diameters). Rain gauges work best because they already have a graduated scale from which to read the application amount without having to perform additional calculations."

Response #11: The Department would like to note that this is standard Fact Sheet boiler plate language for spray irrigation sites. The sole purpose of the fact sheet is to support the license decision. This language is a recommendation. The licensee may develop more site specific calibration techniques in the O&M plan as long as the site remains in compliance with the conditions of the license. The Department recommends discussing with your compliance inspector.



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's ("DEP") Commissioner: (1) in an administrative process before the Board of Environmental Protection ("Board"); or (2) in a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by the Board's receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.
